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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,634

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Robert Albertus Bondijk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

SASINOWSKI, ANDREW

ART UNIT

PAPER NUMBER

2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,634	Applicant(s) BONDIJK, ROBERT ALBERTUS	
	Examiner ANDREW J. SASINOWSKI	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 2, 7 and 12 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ro et. al. [US 6,137,767].

Regarding claim 1, Ro teaches:

- Optical disc suitable for optically storing information in multiple sessions **[abstract, col. 5, lines 10 – 15],**
- having a memory chip containing session information stored therein **[fig. 2b, 60, col. 5, lines 10 – 15]**
- wherein the stored session information pertains to session states and track states **[col. 5, lines 10 – 15, note that indexing the current information state on the disc inherently pertains to session states and track states].**

Regarding claim 2, Ro teaches:

- Optical disc according to claim 1 **[see above],**
- the disc having at least one track for storing information **[fig. 2a, note that an optical disc will inherently have at least one track for storing information],**

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- a lead-in portion of the track also containing session information recorded therein **[fig. 2a, 30]**.

Regarding claim 7, Ro teaches:

- Optical disc drive apparatus for writing optical information into an optical disc according to claim 1 **[see above]**, the optical disc drive apparatus comprising:
- means for of reading session information from said memory chip **[col. 2, lines 18 – 32]**; and
- means for using the session information when accessing the optical disc, wherein the optical disc drive apparatus is adapted to store session information into said memory chip after having performed a write operation **[col. 5, lines 10 – 15]**.

Regarding claim 12, Ro teaches:

- An optical disc **[fig. 2a, 100]** comprising written track portions where information has been written and blank track portions where information has not been written **[inherent to any optical media]**,
- the optical disc further comprising a memory chip for storing session information pertaining to session states and track states relating to the information written to the written track portions of a track of the optical disc **[col. 5, lines 10 – 15, note that indexing the current information state on the disc inherently pertains to session states and track states]**.

Regarding claim 13, Ro teaches:

- Reading apparatus for reading information from an optical disc suitable for optically storing information in multiple sessions **[abstract]**,
- having a memory chip containing session information stored therein, wherein the stored session information pertains to session states and track states pertaining to the stored information in multiple sessions **[col. 5, lines 10 – 15, note that indexing the current information state on the disc inherently pertains to session states and track states]**,
- the reading apparatus being adapted for reading said session information from a memory chip and using this information when accessing information stored in the multiple sessions of a track of said optical disc **[col. 2, lines 18 – 32]**.

Regarding claim 14, Ro teaches:

- Writing apparatus for writing information to said storage device **[abstract]**,
- the writing apparatus being adapted for reading information from a memory chip of said storage device and using this information when accessing written track portions of a track of the storage device **[abstract]**,
- the writing apparatus being further adapted to store information into said memory chip after having performed a write operation to said track of the storage device **[claim 15]**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Asakura [US 5,119,353].

Regarding Claim 3, Ro teaches:

- Optical disc drive apparatus for reading optical information from an optical disc according to claim 1 **[see above]**,
- the optical disc drive apparatus being adapted for reading session information from said memory chip **[claim 1]**

However, Ro does not teach:

- using reading session information when accessing the optical disc.

Asakura does teach:

- using reading session information when accessing the optical disc **[col. 2, lines 33-65]**.

It would have been obvious at the time of invention to one of ordinary skill in the art to combine the reading of session information taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session

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information from a memory chip will result in faster reading access of specific optical disc addresses.

Regarding claim 4, Ro in view of Asakura teach the optical disc apparatus as taught in claim 3.

Asakura also teaches:

- means for receiving and rotating an optical disc **[fig. 2]**;
- an optical system and an actuator system, controlled by a control circuit, for scanning tracks of the disc using an optical beam for reading information from said track **[fig. 2]**;
- a chip reader/writer device, coupled to an input/output port of the control circuit, adapted for communication with said chip of the disc **[fig. 2, items 30, 30', 31 - 34, 20]**;
- wherein the control circuit is adapted, in response to a read command, to read session information from said chip **[claim 5]**.

It would have been obvious at the time of invention to one of ordinary skill in the art to combine the device taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session information from a memory chip will result in faster reading access of specific optical disc addresses.

Regarding claim 5, Ro in view of Asakura teach the optical disc apparatus as taught in claim 4.

Furthermore, Asakura also teaches:

- the optical disc drive apparatus comprising means for reading information from an optical disc, said information reading means further comprising:
- means for receiving a user instruction to read a specific piece of information from said optical disc **[col. 5, lines 26 – 45]**;
- means for consulting the session information in said memory chip **[col. 5, lines 26 – 45]**;
- means for determining the position where the required information is to be found **[col. 5, lines 26 – 45, note that the apparatus determines if the information is prerecorded on the memory chip in this case]**; and
- means for jumping to the location determined by said determining means **[col. 5, lines 26 – 45]**.

It would have been obvious at the time of invention to one of ordinary skill in the art to combine the device taught by Asakura with the device taught by Ro because doing so would have a predictable result, namely that reading session information will take less time due to the presence of the memory chip.

Regarding claim 6, Ro in view of Asakura teach the optical disc apparatus as taught in claim 5.

Furthermore, Ro teaches:

- Optical disc drive apparatus according to claim 5 **[see above]**, further comprising:

- means for checking whether the disc carries a memory chip with session information **[claim 12]**,
- wherein said checking means is performed prior to said consulting means **[claim 12]**,
- and upon satisfying said checking means performing said consulting means through said jumping means, according to claim 5 **[claims 12 and 13]**.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Liu et. al [US 6,356,517].

Ro teaches:

- Optical disc drive apparatus according to claim 7 **[see above]**,
- means for receiving and rotating an optical disc **[fig. 2]**;
- an optical system and an actuator system, controlled by a control circuit for scanning tracks of the disc using an optical beam for writing information into said track or for reading information from said track **[fig. 2]**;
- a chip reader/writer device, coupled to an input/output port of the control circuit, adapted for communication with said chip of the disc **[fig. 2, items 30, 30', 31 - 34, 20]**;

However, Ro does not teach:

- wherein the control circuit is adapted, in response to a write command, to read session information from said chip;

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Liu does teach:

- wherein the control circuit is adapted, in response to a write command, to read session information from said chip **[col. 2, lines 56 - 59, note that a security key that prevents writing to unauthorized persons inherently requires information to be read from the chip when a write command is given];**

It would have been obvious at the time of invention to one with ordinary skill in the art to combine the control circuit adaptation taught by Liu with the device taught by Ro because doing so would provide a predictable result, namely that the disk could provide protection against unauthorized writing.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Liu as applied to claim 8 above, and further in view of Asakura.

Regarding claim 9, Ro in view of Liu teach the optical disc drive apparatus according to claim 8, as discussed above.

Furthermore, Ro teaches:

- means for performing an information writing method, said means comprising:
- means for receiving a user instruction to write a specific piece of information **[col. 5, note that there inherently is a requirement that a user commands a disc writer to write before any writing will occur];**

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- means for writing the information in a new session; after having completed the new session **[col. 5, lines 6 – 10]**,
- means for writing updated session information into the memory chip **[col. 5, lines 6 – 10]**.

However, Ro in view of Liu does not teach:

- means for consulting the session information in memory chip;
- means for determining a free track portion where writing may take place;
- means for jumping to a position at the beginning of the track portion determined by said determining means;

Asakura does teach:

- means for consulting the session information in memory chip **[col. 5, lines 26 – 45]**;
- means for determining a free track portion where writing may take place **[col. 5, lines 26 – 45]**;
- means for jumping to a position at the beginning of the track portion determined by said determining means **[col. 5, lines 26 – 45]**;

It would have been obvious at the time of invention to one with ordinary skill in the art to combine the device taught by Ro in view of Liu with the steps taught by Asakura because doing so would have a predictable result, namely that new data could be written on the chip.

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Regarding claim 10, Ro in view of Liu in view of Asakura teach the apparatus as taught in claim 9.

Furthermore, Ro teaches:

- means for checking whether the disc carries a memory chip with session information; **[claim 14]**
- and upon satisfying said checking means performing said consulting means through said writing means, according to claim 9 **[see claim 9 rejection above]**

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ro in view of Wu et. al. [US 6298023].

Ro teaches the device as taught in claim 7 **[see above]**.

However, Ro does not teach:

- Optical disc drive apparatus, capable of performing a random write operation on a recordable optical disc (R-type).

Wu does teach:

- Optical disc drive apparatus, capable of performing a random write operation on a recordable optical disc (R-type) **[col. 4, lines 27]**.

It would have been obvious at the time of invention to one with ordinary skill in the art to combine the device taught by Ro with the device taught by Wu because doing so would have a predictable result, namely that a R-type disc could be written.

Response to Arguments

Applicant's arguments, see pg. 7, filed 10/23/2008, with respect to the objections of claims 9 and 12 - 14 have been fully considered and are persuasive. The objections of claims 9 and 12 – 14 have been withdrawn.

Applicant's arguments, see pg. 8 – 9, filed 10/23/2008, with respect to the rejections of claims 5 - 6 and 9 – 10 under USC 112 have been fully considered and are persuasive. The 112 rejection of claims 5 – 6 and 9 – 10 has been withdrawn.

Applicant's arguments filed 10/23/2008 have been fully considered but they are not persuasive. The 102 rejection to claims 1 – 2, 7 and 12 – 14 stand.

In claim 1, applicant argues that Ro does not teach “wherein the stored session information pertains to session states and track states”

Examiner respectfully disagrees. The “index of data” taught by Ro inherently is the same as “session states and track states”, as this data would be necessarily known if the index of data taught by Ro were to be known.

Claims 2 – 7 are dependent upon claim 1, and so the same argument holds. Claims 12 – 14 recite similar elements as those found in claim 1, and so the same argument holds.

Applicant used a similar argument for the 103 rejection of claims 3 – 6, 8, and 9 – 10. The same argument as applied to claim 1 holds in each of the 103 arguments.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. SASINOWSKI whose telephone number is (571)270-5883. The examiner can normally be reached on Monday to Friday, 7:30 to 5:00, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (571)272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

/William J. Klimowicz/
Primary Examiner, Art Unit 2627